II. REMARKS

A. Introduction

In this Response claims 1 and 3-12 are noted as pending, claims 1 and 3-6 are allowed, claims 8 and 9 are noted as allowable, and previously allowed claims 7 and 10-12 are rejected based on prior art.

In summary of this Response, independent claim 7 is amended, claim 3 is amended to correct a typographical error in the last response, new claims 13-25 are added, and remarks are provided.

B. Rejection of Claims 7, 10 and 11 Under 35 U.S.C. §§102/103

These claims have been rejected as being anticipated or rendered obvious by newly-cited Hull, U.S. Patent No. 1,800,255.

In response thereto, it is respectfully submitted that the present invention, as recited by amended claims 7 and 10-11, was neither anticipated nor rendered obvious by the cited prior art for the following reasons.

Hull has the object of directing water condensing on a suction pipe 29, which water would undesirably drip into the insulation 43 between the machine 21 and cooling 20 compartments, straight down into a drip pan 34, whereupon the water is directed away by a drain pipe 36. See page 1, right Column, lines 83-100. To accomplish this object, Hull merely places a rubber hose 44 around the linear, downwardly facing suction pipe 29 "in such a manner that a loose fit is secured and sufficient room left between the tube and the suction pipe to permit moisture condensing on the pipe to run off into the freezing compartment whence it is conducted away to a drain." Page 2, left Column, lines 1-7. In this way, a first end of the suction pipe 29, adjacent the compressor 37 is exposed out of the tube 44, and the remainder of the suction pipe in the machine room is contained in the tube 44. The condensing water moves downward in the space formed between the tube and the suction pipe. Note particularly, that the tube 44 extends downwardly into the cooling compartment to direct the water toward the drain. Since the object is to prevent the water from entering the insulation between the compartments, it is believed that the extension of the tube 44 into the cooling compartment is necessary to prevent leaks.

In contrast, independent claim 7 has been amended herein to recite that the suction pipe includes both first and second exposed parts in the machine compartment, whereas Hull only has one. It is believed that if a second part of the suction pipe of Hull were to be exposed in the machine room, the condensation problem described by Hull would still exist, directly inconsistent

with the object of Hull. Further, the foam body recited in claim 7 is located only in the machine room, and, unlike the tube 44 of Hull, does not extend into the cooling compartment.

In light of these differences, it is not believed that Hull discloses each and every feature of the invention recited by claim 7, and therefore could not anticipate same. Hull also does not suggest modification to its own structure or other known devices, such that the invention recited by claim 7 would even be approximated.

As claims 10-11 depend from claim 7, and add other limitations not disclosed or taught by Hull, it is also respectfully submitted that these dependent claims are also not rendered unpatentable by the reference.

C. Rejection of Claim 12
Under 35 U.S.C. §103

These claims have been rejected as being rendered obvious by Hull, and newly-cited Japanese Reference No. 11-304338.

In response thereto, it is respectfully submitted that the present invention, as recited by claim 12, was not rendered obvious by the cited prior art for the following reasons.

Claim 12 recites the parallel capillary tube. Regardless of whether this Japanese Reference discloses or teaches such parallelism, the Japanese Reference fails to compensate for the remaining shortcomings of the Hull reference discussed above in relation to independent claim 7 from which claim 12 depends.

D. New Claims 13-25

During an August 9, 2005 Telephone interview with the Examiner, he indicated that independent claim 7 could be rendered allowable by reciting the embedded part as "winding". New independent claim 18 herein is prior pending claim 7 (original), but with the additional limitation that the embedded part is winding. Claims 19-23 depending therefrom correspond to pending claims 8-12 (original).

Similarly, independent and allowable claim 1 herein has been rewritten as new claim 13, and further including this "winding" recitation, to provide a different scope of protection for the invention, and new claims 14-18 correspond to pending claims 3-6. It is respectfully submitted that these two new independent claims 13 and 18, and their new dependents, are also allowable.

New claims 24 and 25 correspond to the allowable claims 8 and 9 put into independent form.

CONCLUSION

In light of the above amendments and remarks, it is respectfully submitted that claims 1 and 3-25 are now in condition for allowance.

If there are any additional fees associated with this Response, please charge same to our Deposit Account No. 19-3935.

Finally, if there are any formal matters remaining after this Response, the undersigned would appreciate a telephone conference with the Examiner to attend to these matters.

Respectfully submitted,

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